

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ALAN GOETSCH and PAMELA GOETSCH,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:13-CV-537-PLR-CCS
)	
HOME DEPOT U.S.A., INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the court on the plaintiff's motion for an order of referral for mediation [R. 34]. In support of the motion, plaintiffs state that they have served responses to interrogatories and production of documents, which includes medical records and bills for the injuries allegedly sustained by plaintiffs when Mr. Goetsch cut his hand while removing a box from a shelf in defendant's store. Because of the nature and extent of Mr. Goetsch's injuries, numerous healthcare providers may need to be deposed. Plaintiffs assert extensive discovery will result in costly litigation expenses creating a hardship on plaintiffs, and conducting mediation prior to engaging in further discovery will assist the parties in avoiding unnecessary expenses.

Defendant opposes the motion for mediation stating that mediation is premature at this point, as defendant will need to depose plaintiffs, the treating physicians, and any fact witnesses before considering mediation in this matter. Therefore, defendant requests

that plaintiffs' motion for an order of referral for mediation be denied at this time, and the issue be revisited after the parties have had an opportunity to conduct discovery [R. 35].

Under Local Rule 16.4, the court may refer all or part of an action to mediation with or without agreement of the parties. The court finds that mediation would assist the parties in resolving the claims in this case; however, the court also finds that the parties should be allowed to conduct limited discovery prior to engaging in mediation. Accordingly, plaintiffs' motion for an order of referral for mediation [R. 34] is **GRANTED in part** as follows:

1. The parties shall schedule the depositions of the plaintiffs and the party representative of defendant within the next sixty (60) days.
2. The parties shall then proceed to mediate this case in good faith within thirty (30) days after concluding the depositions.
3. Within seven (7) days following the conclusion of the mediation, the mediator shall file a report with the court stating the outcome of the mediation as contemplated by Local Rule 16.4(m).
4. If the parties are unable to resolve this case pursuant to mediation, they shall report to the court within seven (7) days following the conclusion of mediation.

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE